

STEVEN A. GIBSON, ESQ.

Nevada Bar No. 6656

sgibson@righthaven.com

J. CHARLES COONS, ESQ.

Nevada Bar No. 10553

ccoons@righthaven.com

JOSEPH C. CHU, ESQ.

Nevada Bar No. 11082

jchu@righthaven.com

Righthaven LLC

9960 West Cheyenne Avenue, Suite 210

Las Vegas, Nevada 89129-7701

(702) 527-5900

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

HYDE PARK COMMUNICATIONS, INC., a
District of Columbia corporation,

Defendant.

Case No.: 2:10-cv-01064

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Hyde Park
Communications, Inc. (“Hyde Park”) on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Hyde Park is, and has been at all times relevant to this lawsuit, a District of Columbia corporation.

5. Hyde Park is, and has been at all times relevant to this lawsuit, identified by the current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant, administrative contact, and technical contact for the Internet domain found at <safeandsecureig.org> (the “Domain”).

6. As of June 29, 2010, Hyde Park claims ownership of the copyright(s) in the literary works posted as part of the content accessible through the Domain (said content accessible through the Domain known herein as the “Website”) as evidenced by a copyright notice displayed on the Website: “© 2010 Safe & Secure Internet Gambling Initiative.”

JURISDICTION

7. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

8. Righthaven is the owner of the copyright in the literary work entitled: “Group changes stance on Net bets” (the “Work”), attached hereto as Exhibit 1.

9. At all times relevant to this lawsuit, the Work has depicted and depicts the original source publication as the Las Vegas Review-Journal.

10. Hyde Park willfully copied, on an unauthorized basis, the Work from a source emanating from Nevada.

1 11. On or about March 25, 2010, Hyde Park displayed, and continues to display, an
2 unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, on the
3 Website.

4 12. At all times relevant to this lawsuit, the Infringement has depicted and depicts the
5 original source publication as the Las Vegas Review-Journal.

6 13. The subject matter, at least in part, of the Work and the Infringement, is the
7 American Gaming Association and its position on Internet gambling.

8 14. At all times relevant to this lawsuit, Hyde Park knew that the Work was originally
9 published in the Las Vegas Review-Journal.

10 15. At all times relevant to this lawsuit, Hyde Park knew that the Infringement was
11 and is of specific interest to Las Vegas, Nevada residents.

12 16. Hyde Park’s display of the Infringement was and is purposefully directed at
13 Nevada residents.

14 17. Hyde Park willfully copied, on an unauthorized basis, the literary work entitled:
15 “House panel OKs Internet betting bill” (the “House Panel Article”), attached hereto as Exhibit
16 3, from a source emanating from Nevada.

17 18. On or about September 18, 2008, Hyde Park displayed, and continues to display,
18 the House Panel Article on the Website.

19 19. Hyde Park’s display of the House Panel Article was and is purposefully directed
20 at Nevada residents.

21 20. Hyde Park willfully copied, on an unauthorized basis, the literary work entitled:
22 “Overturning the Web gambling ban” (the “Gambling Ban Article”), attached hereto as Exhibit
23 4, from a source emanating from Nevada.

24 21. On or about April 26, 2008, Hyde Park displayed, and continues to display, the
25 Gambling Ban Article on the Website.

26 22. Hyde Park’s display of the Gambling Ban Article was and is purposefully directed
27 at Nevada residents.
28

1 23. Hyde Park willfully copied, on an unauthorized basis, the literary work entitled:
2 “Wanna bet?” (the “Wanna Bet Article”), attached hereto as Exhibit 5, from a source emanating
3 from Nevada.

4 24. On or about March 9, 2008, Hyde Park displayed, and continues to display, the
5 Wanna Bet Article on the Website.

6 25. Hyde Park’s display of the Wanna Bet Article was and is purposefully directed at
7 Nevada residents.

8 26. Hyde Park willfully copied, on an unauthorized basis, the literary work entitled:
9 “‘Bizarre’ legislation” (the “Bizarre Article”), attached hereto as Exhibit 6, from a source
10 emanating from Nevada.

11 27. On or about April 3, 2008, Hyde Park displayed, and continues to display, the
12 Bizarre Article on the Website.

13 28. Hyde Park’s display of the Bizarre Article was and is purposefully directed at
14 Nevada residents.

15 29. Hyde Park willfully copied, on an unauthorized basis, the literary work entitled:
16 “‘Midnight rulemaking’ on Internet gaming” (the “Midnight Rulemaking Article”), attached
17 hereto as Exhibit 7, from a source emanating from Nevada.

18 30. On or about November 11, 2008, Hyde Park displayed, and continues to display,
19 the Midnight Rulemaking Article on the Website.

20 31. Hyde Park’s display of the Midnight Rulemaking Article was and is purposefully
21 directed at Nevada residents.

22 32. Hyde Park willfully copied, on an unauthorized basis, the literary work entitled:
23 “The Poker Lobby” (the “Lobby Article”), attached hereto as Exhibit 8, from a source emanating
24 from Nevada.

25 33. On or about April 22, 2009, Hyde Park displayed, and continues to display, the
26 Lobby Article on the Website.

27 34. Hyde Park’s display of the Lobby Article was and is purposefully directed at
28 Nevada residents.

1 35. Hyde Park willfully copied, on an unauthorized basis, the literary work entitled:
2 “Executive sees future in online betting” (the “Executive Article”), attached hereto as Exhibit 9,
3 from a source emanating from Nevada.

4 36. On or about November 18, 2009, Hyde Park displayed, and continues to display,
5 the Executive Article on the Website.

6 37. Hyde Park’s display of the Executive Article was and is purposefully directed at
7 Nevada residents.

8 38. Hyde Park willfully copied, on an unauthorized basis, the literary work entitled:
9 “Online betting gains backer” (the “Backer Article”), attached hereto as Exhibit 10, from a
10 source emanating from Nevada.

11 39. On or about May 7, 2009, Hyde Park displayed, and continues to display, the
12 Backer Article on the Website.

13 40. Hyde Park’s display of the Backer Article was and is purposefully directed at
14 Nevada residents.

15 41. Hyde Park willfully copied, on an unauthorized basis, the literary work entitled:
16 “Professor urges legalizing Web betting” (the “Professor Article”), attached hereto as Exhibit 11,
17 from a source emanating from Nevada.

18 42. On or about July 23, 2008, Hyde Park displayed, and continues to display, the
19 Professor Article on the Website.

20 43. Hyde Park’s display of the Professor Article was and is purposefully directed at
21 Nevada residents.

22 44. Hyde Park purposefully directs activities at Nevada residents, which activities
23 have resulted in the copyright infringement alleged herein.

24 45. Hyde Park’s contacts with Nevada are continuous and systematic because Hyde
25 Park regularly published and publishes, on the Website, content emanating from Nevada-based
26 daily publications, and such contacts have been in existence at least in excess of two years.
27
28

1 55. Hyde Park replaced the Work's original title, "Group changes stance on Net bets,"
2 with a new title, "Gaming Lobby Says Internet Gambling Can Be Regulated."

3 56. Hyde Park did not seek permission, in any manner, to reproduce, display, or
4 otherwise exploit the Work.

5 57. Hyde Park was not granted permission, in any manner, to reproduce, display, or
6 otherwise exploit the Work.

7
8 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

9 58. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
10 57 above.

11 59. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
12 U.S.C. § 106(1).

13 60. Righthaven holds the exclusive right to prepare derivative works based upon the
14 Work, pursuant to 17 U.S.C. § 106(2).

15 61. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
16 17 U.S.C. § 106(3).

17 62. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
18 U.S.C. § 106(5).

19 63. Hyde Park reproduced the Work in derogation of Righthaven's exclusive rights
20 under 17 U.S.C. § 106(1).

21 64. Hyde Park created an unauthorized derivative of the Work in derogation of
22 Righthaven's exclusive rights under 17 U.S.C. § 106(2).

23 65. Hyde Park distributed, and continues to distribute, an unauthorized reproduction
24 of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C. §
25 106(3).

26 66. Hyde Park publicly displayed, and continues to publicly display, an unauthorized
27 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
28 17 U.S.C. § 106(5).

67. Hyde Park has willfully engaged in the copyright infringement of the Work.

68. Hyde Park's acts as alleged herein, and the ongoing direct results of those acts, have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven cannot ascertain, leaving Righthaven with no adequate remedy at law.

69. Unless Hyde Park is preliminarily and permanently enjoined from further infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus entitled to preliminary and permanent injunctive relief against further infringement by Hyde Park of the Work, pursuant to 17 U.S.C. § 502.

PRAYER FOR RELIEF

Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

1. Preliminarily and permanently enjoin and restrain Hyde Park, and Hyde Park's officers, agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all persons acting for, by, with, through, or under Hyde Park, from directly or indirectly infringing the Work by reproducing the Work, preparing derivative works based on the Work, distributing the Work to the public, and/or displaying the Work, or ordering, directing, participating in, or assisting in any such activity;

2. Direct Hyde Park to preserve, retain, and deliver to Righthaven in hard copies or electronic copies:

a. All evidence and documentation relating in any way to Hyde Park's use of the Work, in any form, including, without limitation, all such evidence and documentation relating to the Website;

b. All evidence and documentation relating to the names and addresses (whether electronic mail addresses or otherwise) of any person with whom Hyde Park has communicated regarding Hyde Park's use of the Work; and

c. All financial evidence and documentation relating to Hyde Park's use of the Work;

3. Direct GoDaddy and any successor domain name registrar for the Domain to lock the Domain and transfer control of the Domain to Righthaven;

4. Award Righthaven statutory damages for the willful infringement of the Work, pursuant to 17 U.S.C. § 504(c);

5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

6. Award Righthaven pre- and post-judgment interest in accordance with applicable law; and

7. Grant Righthaven such other relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated this thirtieth day of June, 2010.

RIGHTHAVEN LLC

By: /s/ Joseph C. Chu
STEVEN A. GIBSON, ESQ.
Nevada Bar No. 6656
J. CHARLES COONS, ESQ.
Nevada Bar No. 10553
JOSEPH C. CHU, ESQ.
Nevada Bar No. 11082
9960 West Cheyenne Avenue, Suite 210
Las Vegas, Nevada 89129-7701
Attorneys for Plaintiff